

## **EXHIBIT NO. 2**

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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MASSACHUSETTS

CIVIL ACTION  
NO.: 04-10643 MLW

\* \* \* \* \*  
JUDITH THIBEAU and  
GEORGE THIBEAU,  
Plaintiffs  
vs.  
UNITED STATES OF AMERICA  
and EAST BOSTON NEIGHBORHOOD  
HEALTH CENTER CORPORATION,  
Defendants  
\* \* \* \* \*

DEPOSITION of DENNIS BUCHIERI, a witness called on behalf of the Plaintiffs, taken pursuant to the Massachusetts Rules of Civil Procedure, before Anne Ouellette, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, at the Law Offices of Koufman & Frederick, 1330 Beacon Street, Suite 311, Brookline, MA 02446, on June 24, 2005, commencing at 9:39 a.m.

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1 Q. Is that requirement for all new construction?

2 A. Yes, I believe so.

3 Q. What's your understanding of whether that applies to  
4 existing buildings?

5 A. It does not apply to existing, that I'm aware of.

6 Q. And why is that?

7 A. I couldn't tell you why it is, I just -- that's what I  
8 understand it to be.

9 Q. You understand that the extension of handrails at the  
10 bottom of stairs is a safety issue as well?

11 MR. WEIGAND: Objection, you can answer.

12 A. It can actually be a safety issue in both directions. It  
13 can be a hazard.

14 Q. When you say in both directions, what do you mean?

15 A. If you have a handrail that sticks out six inches into a  
16 walkway at the bottom of the stairs, it could be a hazard.

17 Q. But can it also be a safety improvement?

18 A. Yes.

19 Q. You've been aware of that for at least five or six -- well,  
20 more than five years -- that it's a safety aid, if you  
21 will?

22 A. Yes, it's possible to be.

23 Q. So, you are aware that even though it may not be required  
24 on an existing stair, that having an extended stair railing

1 perfectly good set of stairs. If you're putting in a new  
2 set of stairs and that's what you need to do to meet the  
3 code, that's what you do, you meet the code.

4 Q. Okay.

5 A. Is it safer, your guess is as good as mine.

6 Q. I take it the same holds true for the left-hand side?

7 A. No, the left-hand side is different, that's the traffic  
8 area. That could actually create a hazard.

9 Q. But again, could it --

10 A. This is my opinion.

11 Q. Yes.

12 A. You know, I'm not quoting the law here, this is what I  
13 think from what I see.

14 Q. During the 18 years that you have worked there, do you  
15 know, one way or the other -- I may have asked you this and  
16 I apologize if I did -- but do you know whether there have  
17 been any other situations where any person, either an  
18 employee or a patient or a visitor, has fallen on the  
19 stairs at 79 Paris Street, the inside stairs?

20 A. No, I don't know of any specific incidences.

21 Q. Is it that you don't know or you can't remember?

22 MR. WEIGAND: Objection.

23 A. Same thing to me.

24 Q. If that had happened, if someone fell there, and it was